

THOMAS G. FOLEY, JR. Bar No. 065812
JUSTIN P. KARCZAG, Bar No. 223764
FOLEY BEZEK BEHLE & CURTIS, LLP
15 West Carrillo Street
Santa Barbara, California 93101
Telephone (805) 962-9495
Facsimile (805) 965-0722
Email: tfoley@foleybezek.com

RICHARD E. DONAHOO Bar No. 186957
DONAHOO & ASSOCIATES
505 North Tustin Avenue, Suite 160
Santa Ana, California 92705
Telephone (714) 953-1010
Facsimile (714) 953-1777
Email: rdonahoo@donahoo.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

GABE BEAUPERTHUY, et al. ,
Plaintiffs,
v.
24 HOUR FITNESS USA, INC., a
California corporation dba 24 HOUR
FITNESS; SPORT AND FITNESS
CLUBS OF AMERICA, INC., a California
corporation dba 24 HOUR FITNESS,
Defendants.

Case No. C 06 0715 SC

**STIPULATION AND PROPOSED ORDER
EXTENDING PRETRIAL DEADLINES AND
INCREASING THE NUMBER OF
DEPOSITIONS**

RECITALS

- A. Plaintiffs have noticed 9 depositions of 24 Hour Fitness and its management,
- B. Plaintiffs have served two sets of document demands,
- C. Defendants have produced 200,000 pages of documents,
- D. Defendants have produced witnesses for two depositions and are attempting to schedule the others for convenient dates,
- E. Payroll information is being sought from third party vendors,

F. The parties have outstanding disputes concerning discovery requests and obligations and electronic data and information produced in a streamlined and useful manner,

G. No trial date has yet been set,

H. To allow the parties to resolve their disputes and to complete discovery, the parties seek an Order from this Court extending the discovery cut-off and pretrial deadlines by approximately 90 days and also seek to increase the number of deposition that may be taken from 10 per side to 25 per side.

I. The parties are meeting and conferring to see if they can arrive at a mutually agreeable procedure for sampling. Defendants will schedule depositions of appropriate named plaintiffs or other class members once the parties have agreed, or failed to agree, on a sampling procedure.

STIPULATION

1. The parties hereby stipulate that the following pretrial dates and discovery cut-off deadline as originally set in the Court's Civil Minutes dated November 14, 2008, be modified as follows and request an Order from the Court making it so:

DEADLINE	OLD DATE	NEW DATE
Non-Expert Discovery Cutoff	7/31/09	10/30/09
Expert Designations	8/31/09	11/30/09
Expert Discovery Cutoff	11/13/09	02/15/10
Last Day to File Dispositive Motions	12/01/09	03/01/10

2. In addition, the parties stipulate that the number of non-expert depositions available to each side be increased from 10 to 25, without prejudice to the parties stipulating to further increase the number or to allow either side to move the Court to further increase the number.

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SO STIPULATED:

Dated: May 26, 2009

LITTLER MENDELSON, P.C.

By

~~John C. Kloosterman~~

Lisa C. Chagala

Littler Mendelson, P.C., Attorneys for
Defendant

Dated: May 26, 2009

**DONAHOO & ASSOCIATES
FOLEY BEZEK BEHLE & CURTIS,
LLP**

By:

By: Richard E. Donahoo

Richard E. Donato & Thomas G. Foley, Jr.

Thomas G. Foley
Justin P. Karczmar

Justin P. Karczak
Attorneys for Plaintiffs

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS ORDERED THAT,

1. The current pretrial dates and discovery cutoff deadline be vacated and reset on the new dates, as set forth below:

DEADLINE	OLD DATE	NEW DATE
Non-Expert Discovery Cutoff	7/31/09	10/30/09
Expert Designations	8/31/09	11/30/09
Expert Discovery Cutoff	11/13/09	02/15/10
Last Day to File Dispositive Motions	12/01/09	03/01/10

2. The deposition limit is increased to 25 depositions per side without prejudice to a joint request by both parties or a motion by one of the parties for a further increase.

Dated: May 28, 2009

Hon. Samu

